

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan H. Lefkow	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 253	DATE	4/16/2008
CASE TITLE	Tate vs. City of Chicago, et al.		

DOCKET ENTRY TEXT

Petitioner's motion for appointment of special administrator and to substitute special administrator for plaintiff Michael Tate [9] is denied without prejudice.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

The court applies Illinois law regarding appointment of a decedent's representative to prosecute an action. *See Anderson v. Romero*, 42 F.3d 1121, 1123 (7th Cir. 1994) ("In such a case, the court in which the suit is pending "may appoint a special administrator for the deceased party for the purpose of prosecuting or defending the action," citing Illinois Code of Civil Procedure 735 ILCS 5/2-1008(b)). That section provides, "If no petition for letters of office for [a] decedent's estate has been filed, the court may appoint a special representative for the deceased for the purpose of prosecuting [an] action. The appointment shall be on verified motion of any party who appears entitled to participate in the deceased's estate, reciting the names and known addresses of all known heirs"

The motion before the court is not verified, does not recite that the petitioner appears entitled to participate in the deceased's estate, and does not recite the names and known addresses of all known heirs. It is therefore denied without prejudice to a motion to appoint a special representative presented in compliance with Illinois law.

Courtroom Deputy
Initials:

MD